## REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

By virtue of the amendments above, claims 1, 4-9, 19, 22-28, 31-32, 34-37, 40-61, 64-80, and 110-116 have been amended, and claims 2-3, 20-21, 29-30, 38-39, and 62-63 have been canceled without prejudice or disclaimer of the subject matter therein. Claims 10-18, 33, and 81-109 were previously canceled without prejudice or disclaimer of the subject matter therein. Accordingly, claims 1, 4-9, 19, 22-28, 31-32, 34-37, 40-61, 64-80, and 110-116 are pending in the present application, of which claims 1, 19, 28, 37, and 61 are independent.

Claims 1, 19, 28, 37, and 101 were rejected under 35 U.S.C. §103(a) as allegedly being anticipated by Nishi et al. (RE39,318) ("Nishi") in view of AAPA (paragraphs 16-17 of the instant patent application).

Claims 2-9, 20-27, 29-32, 34-36, 38-80 and 110-116 were rejected under 35 U.S.C. §103(a) as being unpatentable over Nishi in view of AAPA and further in view of Takayama (6,512,791).

These rejections of claims 2-3, 10-18, 20-21, 29-30, 38-39, 62-63 and 109 are moot in view of their cancellation above. Further, the rejections of the pending claims are traversed for at least the reasons stated below.

### Claim Rejections Under 35 U.S.C. §103(a)

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in *KSR International Co. v. Teleflex Inc.*, 550 U.S._, 82 USPQ2d 1385 (2007):

"Under §103, the scope and content of the prior art are to be determined; differences
between the prior art and the claims at issue are to be ascertained; and the level of
ordinary skill in the pertinent art resolved.  Against this background the obviousness
or nonobviousness of the subject matter is determined. Such secondary considerations
as commercial success, long felt but unsolved needs, failure of others, etc., might be
utilized to give light to the circumstances surrounding the origin of the subject matter
sought to be patented." Quoting *Graham v. John Deere Co. of Kansas City*, 383 U.S.
1 (1966).

As set forth in MPEP 2143.03, to ascertain the differences between the prior art and

the claims at issue, "[a]ll claim limitations must be considered" because "all words in a claim

must be considered in judging the patentability of that claim against the prior art." *In re*

*Wilson*, 424 F.2d 1382, 1385.  According to the Examination Guidelines for Determining

Obviousness Under 35 U.S.C. 103 in view of *KSR International Co. v. Teleflex Inc.*, Federal

Register, Vol. 72, No. 195, 57526, 57529 (October 10, 2007), once the *Graham* factual

inquiries are resolved, there must be a determination of whether the claimed invention would

have been obvious to one of ordinary skill in the art based on any one of the following proper

rationales:

(A) Combining prior art elements according to known methods to yield predictable
results; (B) Simple substitution of one known element for another to obtain
predictable results; (C) Use of known technique to improve similar devices (methods,
or products) in the same way; (D) Applying a known technique to a known device
(method, or product) ready for improvement to yield predictable results; (E)
"Obvious to try"—choosing from a finite number of identified, predictable solutions,
with a reasonable expectation of success; (F) Known work in one field of endeavor
may prompt variations of it for use in either the same field or a different one based on
design incentives or other market forces if the variations would have been predictable
to one of ordinary skill in the art; (G) Some teaching, suggestion, or motivation in the
prior art that would have led one of ordinary skill to modify the prior art reference or
to combine prior art reference teachings to arrive at the claimed invention. *KSR*
*International Co. v. Teleflex Inc.*, 550 U.S._, 82 USPQ2d 1385 (2007).

Furthermore, as set forth in *KSR International Co. v. Teleflex Inc.*, quoting from *In re*

*Kahn*, 441 F.3d 977, 988 (CA Fed. 2006), "[R]ejections on obviousness grounds cannot be

sustained by mere conclusory statements; instead, there must be some articulated reasonings

with some rational underpinning to support the legal conclusion of obviousness."

Therefore, if the above-identified criteria and rationales are not met, then the cited

reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is

distinguishable over the cited reference(s).

**Claims 1, 19, 28, and 37**

Claims 1, 19, 28, and 37 were rejected under 35 U.S.C. §103(a) as allegedly being

anticipated by Nishi in view of AAPA.

Claim 1 recites the following features, which have been similarly recited in claims 19,

28, and 37:

> wherein when said two dimensional array of said two dimensional array
> frequency coefficients comprises 4 columns of frequency coefficients and
> 4 rows of frequency coefficients, said method further comprises:
>
> representing said columns with a variable n=0, 1, 2, or 3, wherein
> n=0 is at least one of a first or leftmost column, n=1 is a second column,
> n=2 is a third column, and n=3 is at least one of a fourth or rightmost
> column;
>
> representing said rows with a variable m=0, 1, 2, or 3, wherein m=0
> is at least one of a first or top row, m=1 is a second row, m=2 is a third
> row, and m=3 is at least one of a fourth or bottom row; and
>
> **sequentially scanning said two dimensional array of said two
> dimensional array frequency coefficients in a sequential scanning
> order** that is vertically biased, said **sequential scanning order starting at
> 0 and ending at 15** and producing said one dimensional array of said one
> dimensional array frequency coefficients wherein said step of **sequentially
> scanning** said two dimensional array frequency coefficients in a vertically

biased manner comprises:

assigning a scanning order = 0 for a two dimensional array frequency coefficient located at n=0 and m=0;

assigning a scanning order = 1 for a two dimensional array frequency coefficient located at n=0 and m=1;

assigning a scanning order = 2 for a two dimensional array frequency coefficient located at n=1 and m=0;

assigning a scanning order = 3 for a two dimensional array frequency coefficient located at n=0 and m=2;

assigning a scanning order = 4 for a two dimensional array frequency coefficient located at n=0 and m=3

assigning a scanning order = 5 for a two dimensional array frequency coefficient located at n=1 and m=1;

assigning a scanning order 6 for a two dimensional array frequency coefficient located at n=1 and m=2;

assigning a scanning order = 7 for a two dimensional array frequency coefficient located at n=1 and m=3;

assigning a scanning order = 8 for a two dimensional array frequency coefficient located at n=2 and m=0;

assigning a scanning order = 9 for a two dimensional array frequency coefficient located at n=2 and m=1;

assigning a scanning order = 10 for a two dimensional array frequency coefficient located at n=2 and m=2;

assigning a scanning order = 11 for a two dimensional array frequency coefficient located at n=2 and m=3;

assigning a scanning order = 12 for a two dimensional array frequency coefficient located at n=3 and m=0;

assigning a scanning order = 13 for a two dimensional array frequency coefficient located at n=3 and m=1;

assigning a scanning order = 14 for a two dimensional array frequency coefficient located at n=3 and m=2 ; and

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assigning a scanning order = 15 for a two dimensional array
frequency coefficient located at n=3 and m=3.


Nishi fails to teach or suggest at least the above-recited features. Instead, Nishi

discloses an image processing method for setting a processing order for coding the frequency

components corresponding to an image signal. Nishi at Abstract. However, Nishi fails to

teach or suggest, when a two dimensional array of said two dimensional array frequency

coefficients comprises 4 columns of frequency coefficients and 4 rows of frequency

coefficients, sequentially scanning the two dimensional array of said two dimensional array

frequency coefficients in a sequential scanning order starting at 0 and ending at 15 that are

assigned in the order as recited in claim 1 and as similarly recited in claims 19, 28, and 39.

AAPA fails to cure the above-discussed deficiencies of Nishi. Instead, AAPA at

paragraph 16 of the instant application discloses that "[i]t is preferable for the encoder to first

scan the high-energy low frequency coefficients and then scan the low-energy high frequency

coefficients." However, AAPA fails to teach or suggest the above-discussed features of

claims 1, 19, 28 and 39.

Thus, for at least the foregoing reasons, the proposed combination of Nishi and

AAPA fails to teach or suggest all of the features of claims 1, 19, 28 and 39. The Office

Action has thus failed to establish that claims 1, 19, 28 and 39 are *prima facie* obvious. The

Examiner is therefore respectfully requested to withdraw the rejection of claims 1, 19, 28 and

39 and to allow these claims.

## Claims 4-9, 22-27, 31-32, 34-36, 38-61, 64-80, and 110-116

Claims 4-9, 22-27, 31-32, 34-36, 38-61, 64-80, and 110-116 were rejected under 35 U.S.C. §103(a) as being unpatentable over Nishi in view of AAPA and further in view of Takayama.  This rejection is traversed for at least the following reasons.

Independent claim 61 recites features similar to those discussed above for claim 1. Claims 4-9, 22-27, 31-32, 34-36, 38-60, 64-80, and 110-116 variously depend from independent claims 1, 19, 28, 27, and 61.  Thus, for at least the same reasons set forth with respect to claim 1, Nishi and AAPA, either alone or in combination, fail to teach or suggest the above-discussed features of claims 1, 19, 28, 27, and 61.

Takayama fails to cure the above-discussed deficiencies of Nishi and AAPA.  Instead, in reference to Fig. 2, Takayama discloses transforming a coefficient of a DC component into one-dimensional predicted code.  Takayama at column 12, lines 35-37.  However, Takayama fails to teach or suggest the above-discussed features of claims 1, 19, 28, 27, and 61.

Thus, for at least the foregoing reasons, the proposed combination of Nishi, AAPA, and Takayama fails to teach or suggest all of the features of claims 4-9, 22-27, 31-32, 34-36, 38-61, 64-80, and 110-116.  The Office Action has thus failed to establish that claims 4-9, 22-27, 31-32, 34-36, 38-61, 64-80, and 110-116 are *prima facie* obvious.  The Examiner is therefore respectfully requested to withdraw the rejection of claims 4-9, 22-27, 31-32, 34-36, 38-61, 64-80, and 110-116 and to allow these claims.

## Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 503290.

Respectfully submitted,

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